



August 25, 1999

Ms. Katherine Minter Cary
Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR99-2391

Dear Ms. Cary:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126820.

The Crime Victims' Compensation Division of the Office of the Attorney General (the "OAG") received a request for all documents related to a specific claim file. You assert that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

You assert that the requested information is confidential under section 261.201 of the Family Code in conjunction with section 552.101 of the Government Code. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201 of the Family Code reads in part as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

You explain that the OAG received the requested information from the Addison Police Department pursuant to article 56.38(d) of the Crime Victims' Compensation Act.¹ Article 56.38(d) of the Code of Criminal Procedure provides:

On request by the attorney general . . . , a law enforcement agency shall release to the attorney general all reports, including witness statements and criminal history record information, for the purpose of allowing the attorney general to determine whether a claimant or victim qualifies for an award and the extent of the qualification.

We believe that the requested information consists of reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code.² You have not informed this office of any rules the OAG has adopted that would permit access to the requested records. We, therefore, conclude that the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (construing predecessor statute). Accordingly, the OAG must not release the requested records to the requestor under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code.

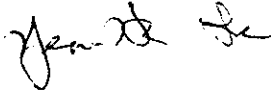
Because section 261.201 of the Family Code is dispositive, we do not address your section 552.108 claim. We are resolving this matter with an informal letter ruling rather than with

¹Information may be transferred between governmental bodies without destroying its confidential character if the agency to which the information is transferred has the authority to obtain it. *See* Open Records Decision Nos. 516 (1989) (Department of Public Safety transfer to OAG's Child Support Enforcement Office authorized by statute), 490 (1988) (Board of Vocational Nurse Examiners transfer to Texas Peer assistance Program for Impaired Nurses authorized by statute). These decisions are grounded in the well-settled policy of the state that governmental agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. *See* Open Records Decision No. 516 (1989).

²We note that a parent or other legal representative of a victim of alleged child abuse or neglect may have a right to obtain from the Texas Department of Protective and Regulatory Services portions of the information concerning a report of alleged abuse or neglect. Fam. Code § 261.201(g).

a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yen-Ha Le', with a stylized flourish at the end.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 126820

Encl. Submitted documents

cc: Ms. Deborah Thompson McGregor
Law Offices of Zimmerman, Zimmerman & McGregor
PO. Box 88
Waco, Texas 76703
(w/o enclosures)